

REMARKS/ARGUMENTS

This response is made in connection with the Final Rejection dated September 30, 2009. Reconsideration of the rejection, and a promptly submitted Notice of Allowance are respectfully requested.

The Specification was objected to under 35 USC 132 (a). However, the amendment that is referred to by the Examiner, filed July 6, 2007, had already been removed. It has been superseded by the Amendment filed July 29, 2008, and for which clear support exists in the Specification and the drawings. Accordingly, the objection to the Specification is traversed.

Claims 21 and 22 were rejected under 35 USC 102 (b) or 35 USC 103 (a) using the Kleshinski reference, US Patent No. 5746765, by itself. This rejection is also traversed.

Kleshinski is deficient in two ways. First, it does not disclose a “wave” as in Claim 21, or “wave-shaped struts” as in Claim 22. Rather, the “straight portions” 6 of Kleshinski are all straight segments, except, of course, where there is a change in direction at a joint. (The joints can be seen at the intersection of a straight portion 6 and the wire 4.) As described by Kleshinski, there is no defined wavelength (since one cannot determine where a peak or valley starts) and there is no amplitude. Second, there is no “serpentine” shape as used herein. While the straight sections 6 are formed by pins 50, they do not have a “smallest circular turn.” So, since the straight sections 6 are always part of this joint, there is no way to determine the “turning radius.” Thus, this limitation of serpentine is not met. The Examiner has inappropriately extracted from Kleshinski’s description so as to shoehorn in a claimed structure which simply does not exist in, and cannot be rendered obvious by Kleshinski.

The claims were also rejected using 35 USC103 (a) under the Kleshinski reference in view of Klein, US Patent No. 5593442. First, it should be noted that in making this rejection, the Examiner acknowledges that Kleshinski does not have a serpentine wave formed in the struts. With this admission, the earlier rejection simply cannot stand, and it should be removed *sua sponte* by the Examiner. Second, the reference to Klein is inapposite. Regardless of how Klein

uses the word “serpentine” in his disclosure, it is clear that this structure is in the circumferential direction, and not in the longitudinal direction. This, any reader combining Kleshinski and Klein would not derive the subject matter of the current claims.

With the present arguments, Applicants have demonstrated the allowability of claims 21 and 22. A promptly submitted Notice of Allowance is requested.

Respectfully submitted,

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